

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KAELI GARNER, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware Corporation,
and AMAZON.COM SERVICES LLC, a
Delaware Limited Liability Company,

Defendants.

Case No. 2:21-cv-00750-RSL

**DECLARATION OF DANIELLE
IZZO IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS'
MOTION TO ENFORCE
CONFIDENTIALITY
DESIGNATIONS**

DECLARATION IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO DEFENDANTS' MOTION TO
ENFORCE CONFIDENTIALITY DESIGNATIONS
Case No. 2:21-cv-00750-RSL

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1 I, Danielle Izzo, declares as follows:

2 I am an attorney in good standing admitted *pro hac vice* before the Court for this action. I
3 am an associate at Labaton Keller Sucharow LLP. I make this declaration based on my personal
4 knowledge and that of my colleagues who attended the meet and confers and sent the letter
5 correspondence discussed below.

6 1. On March 20, 2024, Plaintiffs sent Defendants a letter pursuant to Section 6.4.2 of
7 the Protective Order (ECF No. 81), seeking to disclose materials marked highly confidential –
8 attorneys' eyes only to their expert, Dr. Serge Egelman. Plaintiffs' letter contained Dr. Egelman's
9 background information, a list of work for which he received compensation or funding, and a then-
10 current copy of his CV.

11 2. On March 22, 2024, Defendants sent Plaintiffs an email inquiring about the eight
12 confidential matters identified in Plaintiff's March 20, 2024 letter.

13 3. On March 26, 2024, Plaintiffs explained to Defendants via email that the matters were
14 confidential, but that they involved consulting for a private organization on issues not related to the
15 claims in the present case.

16 4. On March 26, 2024, the parties met to discuss Dr. Egelman's confidential matters.
17 During the meet and confer, Plaintiffs agreed that they would try to get information from Dr.
18 Egelman about the technology or claims involved in the unrelated matters, per Defendants' request.
19 At the same time, Plaintiffs proposed a compromise in which Plaintiffs would provide Defendants
20 with a list of the specific categories of documents Plaintiffs intend to share with Dr. Egelman.

21 5. On March 26, 2024, Plaintiffs sent an email to Defendants to provide additional
22 information about Dr. Egleman's work. Plaintiffs stated that Dr. Egelman confirmed that his work
23 related to app development unrelated to Amazon, its products, or services.

24 6. On March 27, 2024, Defendants sent Plaintiffs a letter providing a new list of five
25 additional questions that were not raised during the parties' meet and confer.

26 7. On April 3, 2024, Plaintiffs sent Defendants a letter in response to Defendants' March
27 27, 2024 letter. Plaintiffs stated that Defendants' request for additional information went beyond the

1 scope of the Stipulated Protective Order. In the spirit of compromise, Plaintiffs spoke to Dr. Egelman
2 and, based on his responses, provided answers to each of Defendants' additional questions.

3 8. On April 5, 2024, Defendants sent Plaintiffs another letter regarding Dr. Egelman's
4 eight confidential matters. Defendants failed to meet and confer with Plaintiffs prior to sending this
5 letter. In their letter, Defendants identified Dr. Egelman's publicly available resume which contained
6 updates since Plaintiffs' March 20, 2024 letter. Defendants also requested that Plaintiffs answer
7 three additional questions about Dr. Egelman's work.

8 9. On April 12, 2024, Plaintiffs sent Defendants a letter in response to Defendants' April
9 5, 2024 letter. Here, Plaintiffs explained that Defendants failed to follow the procedure set forth in
10 the parties' Stipulated Protective Order for objecting to the disclosure of highly confidential
11 documents to an expert. See ECF No. 81 (Section 6.4.4) by failing to meet and confer with Plaintiffs
12 within five business days of the notice of objection. In this letter, Plaintiffs further explained that
13 they had complied with the Protective Order and provided fulsome disclosures about Dr. Egelman's
14 work and experience.

15 Dated: May 23, 2024

By: /s/ Danielle Izzo

Danielle Izzo

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